

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

MODOC,

Defendant.

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No. 4:21-cv-00884-SEP

**MEMORANDUM AND ORDER**

This matter is before the Court on review of Plaintiff Joseph Michael Devon Engel's prisoner civil rights complaint. Plaintiff has not filed a motion for leave to proceed in forma pauperis or paid the filing fee. As such, he is directed to do one or the other within **thirty (30) days** of the date of this order. Plaintiff has accumulated more than three "strikes" under 28 U.S.C. § 1915(g).<sup>1</sup> Thus, if he seeks to proceed in forma pauperis, he must provide written documentation that he is in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Failure to comply within **thirty (30) days** of the date of this Order will result in dismissal of this action without prejudice and without further notice. Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall send to Plaintiff a copy of the Court's motion for leave to proceed in forma pauperis form.

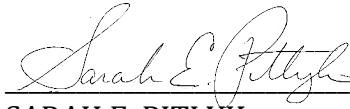
**IT IS FURTHER ORDERED** that Plaintiff shall either file a motion for leave to proceed in forma pauperis or pay the filing fee within **thirty (30) days** of the date of this Order. Failure to do so will result in dismissal of this action without prejudice and without further notice.

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<sup>1</sup> Plaintiff has filed more than 160 cases in the United States District Court for the Eastern District of Missouri, most of which have been dismissed for frivolity, maliciousness, or failure to state a claim. *See, e.g., Engel v. Governor of Missouri, et al.*, No. 1:20-cv-217-HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America, et al.*, No. 4:20-cv-1742-MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020). Due to his numerous preservice dismissals, the Court has determined that he is subject to 28 U.S.C. § 1915(g)'s three-strikes provision in and has denied him leave to proceed in forma pauperis. *See, e.g., Engel v. ERDCC, et al.*, No. 4:20-cv-1941-DDN (E.D. Mo. Jan. 27, 2021). The United States Court of Appeals for the Eighth Circuit has also determined that Plaintiff is subject to the three-strikes provision. *See, e.g., Engel v. Corrections Officer 1, et al.*, No. 21-1555 (8th Cir. 2021).

**IT IS FINALLY ORDERED** that, if Plaintiff moves for leave to proceed in forma pauperis, he must explain in writing how he qualifies for 28 U.S.C. § 1915(g)'s imminent danger exception.

Dated this 27<sup>th</sup> day of January, 2022.

A handwritten signature in cursive script, reading "Sarah E. Pitlyk", written in black ink.

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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE